

REMARKS

The current application relates to a container comprising an immunologically isolated genetically altered bone marrow stromal cell.

Claims 69, 70, 97-108, 112, and 113 are currently pending in the above-referenced application and have been deemed allowable in view of the present Office Action. The present Amendment merely serves to cancel claims 1-36 and 39-54, which were withdrawn as being drawn to a non-elected invention.

In addition, the present Amendment serves to address the cross-reference issue raised by the Examiner in the present Office Action. The amendment made herein to the specification does not add new matter because the priority was properly claimed on the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. § 371 (“Transmittal Letter”).

Amendment to the Specification regarding Cross-Reference

The specification has been amended herein to properly reflect the cross-reference information of the present Application. In particular, page 1 of the specification has been amended to indicate that the present Application is a national stage application filed under 35 U.S.C. § 371 of International Application No. PCT/US96/04407, filed March 28, 1996, which is a continuation-in-part of U.S. Application No. 08/412,066, filed March 28, 1995 (issued on February 10, 1998 as U.S. Patent No. 5,716,616), and which claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/006,627, filed on November 13, 1995. No new matter has been added as the present amendment merely serves to point out the relationship of the prior applications to the present application. Further, Applicants respectfully submit that the cross-reference information was properly disclosed on the Transmittal Letter.

Summary

Applicants respectfully submit that the present application is in condition for allowance.

Respectfully submitted,

DARWIN J. PROCKOP ET AL.

November 19, 2004

(Date)

By:


KATHRYN DOYLE, Ph.D, J.D.

Registration No. 36,317

MORGAN, LEWIS & BOCKIUS, LLP

1701 Market Street

Philadelphia, PA 19103-2921

Telephone: (215) 963-5000

Direct Dial: (215) 963-4723

Faxsimile: (215) 963-5001

E-Mail: kdoyle@morganlewis.com

Attorney for Applicants

KD/QDN *del*

Enclosure: Copy of Transmittal Letter